

Notice of Allowability

Application No.

10/712,870

Examiner

Jason P. Salce

Applicant(s)

ADDINGTON ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/15/2006.
2. ☒ The allowed claim(s) is/are 1-21 and 55-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to independent claim 1, the prior art of record fails to anticipate or rendered obvious the combined elements/steps of "a processor capable of receiving provisioning data using a first interface, the provisioning data including a service identifier and a subscriber, the processor capable of using the subscriber identifier to ascertain the host type indicating a manufacturer and a model of the host, the processor capable of retrieving the host protocol file associated with the host type using a second interface", in conjunction with "the processor capable of transmitting the respective host-specific protocol provisioning message to the host using a third interface", as recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The examiner notes that in addition to the reasons stated by the Applicant in the Applicant's arguments, Donlan, McKeown and Makofka all fail to teach the specific type of host protocol file, as well as the specific method of processing the host protocol file to produce the host-specific protocol-provisioning message using all three interfaces. The examiner further notes that Dal Canto teaches only two interfaces, one between the

client device (the host, which sends the host protocol file) and the NOC and the second between the client database 240 and the Meta-Desktop service module 220, therefore only teaching two interfaces and therefore teaching away from independent claim 1, because the second interface is used to not only receive the host protocol file, but is also used to transmit the host-specific provisioning message from the processor to the host.

2. Claims 55-59 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to independent claim 1, the prior art of record fails to anticipate or rendered obvious the combined elements/steps of "a server receiving a host protocol file", in conjunction with, "the server receiving a host profile file comprising feature descriptors", in conjunction with, "the server displaying to a user the feature descriptors from the host profile file, receiving user input, and processing the server data file, the user input, and the host protocol file to produce at least one host-specific protocol configuration message", as recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The examiner notes that in addition to the reasons stated by the Applicant in the Applicant's arguments, Donlan, McKeown and Makofka all fail to teach the specific type

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of host protocol file, as well as the specific method of producing the host-specific protocol-provisioning message using the service data file, user input and host protocol file.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

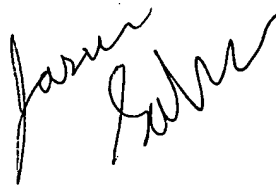
Jason P Salce
Primary Examiner
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December 19, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

JASON SALCE
PRIMARY PATENT EXAMINER